

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael John Bui,

File No. 20-cv-418 (ECT/HB)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

U.S. Attorney, Chad A. Blumenfield, U.S.
Marshals,

Defendants.

This case is before the Court on an Amended Report and Recommendation issued by Magistrate Judge Hildy Bowbeer. ECF No. 4 (“R&R”). Magistrate Judge Bowbeer recommends dismissing Plaintiff Bui’s Complaint without prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and denying his application to proceed *in forma pauperis* as moot. R&R at 4. Bui filed “objections” to the R&R in which he makes no specific objection but states that if he does not win his case he will continue to “sue a lot of people,” and if his case is dismissed he “will sue again.” ECF No. 5. He also states he “will file [his] objections on Friday, February 14, 2020.” *Id.* These nonspecific objections are dated and were filed on February 14, 2020, so it is unclear what Bui meant by his statement that he “will file” objections on that date. *Id.* In any event, he did not file any further objections to Magistrate Judge Bowbeer’s R&R. Mr. Bui’s objections will be overruled. Giving Bui the benefit of liberal construction, his objections are unintelligible. Regardless, reviewed de novo, Magistrate Judge Bowbeer’s R&R is plainly correct. Magistrate Judge Bowbeer properly concluded that the Complaint, even when construed

liberally in Mr. Bui's favor, fails to allege any specific actions taken by the Defendants that allegedly harmed him. R&R at 3–4. The Court agrees that “Mr. Bui's Complaint is almost impossible to follow,” *id.* at 2, and thus “the Court cannot discern any legally cognizable claim from the face of [the] Complaint,” *id.* at 3.

Therefore, based upon all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objection to the Report and Recommendation [ECF No. 5] is **OVERRULED**;
2. The Amended Report and Recommendation [ECF No. 4] is **ACCEPTED**;
3. Plaintiff's Complaint [ECF No. 1] is **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and
4. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2] is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 12, 2020

s/Eric C. Tostrud
Eric C. Tostrud
United States District Court